

(DW)



PATENT
Customer No. 22,852
Attorney Docket No. 06028.0036-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
François COTTARD et al.)
Application No.: 10/728,888) Group Art Unit: Unassigned
Filed: December 8, 2003) Examiner: Unassigned
For: COMPOSITION FOR THE)
OXIDATION DYEING OF KERATIN)
FIBERS, COMPRISING AT LEAST)
ONE NON-OXYALKENYLATED FATTY)
ALCOHOL, AT LEAST ONE)
OXIDATION DYE, AT LEAST ONE)
ASSOCIATIVE POLYMER, AND AT)
LEAST ONE AMIDE OF AN)
ALKANOLAMINE AND A C₁₄-C₃₀)
FATTY ACID)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents, including any co-pending applications, are attached. Copies of the U.S. patents and U.S. patent

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application publications are not enclosed. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

DE 23 59 399: This document is believed to be related to U.S. Patent No. Re. 30,199.

DE 38 43 892: This document is believed to be related to U.S. Patent No. 5,061,289.

DE 41 33 957: This document is believed to be related to U.S. Patent No. 5,380,340.

DE 195 43 988: This document is believed to be related to U.S. Patent No. 5,766,576.

EP 0 591 059: This document is believed to be related to U.S. Patent No. 5,534,036.

EP 0 959 090: This document is believed to be related to U.S. Patent Publication No. 2002/0119171 A1.

EP 0 959 091: This document is believed to be related to U.S. Patent Publication No. 2002/0119171 A1.

EP 0 959 094: This document is believed to be related to U.S. Patent No. 6,287,578.

EP 1 142 555: This document is believed to be related to U.S. Patent Publication No. 2001/0023515 and U.S. Patent No. 6,436,151.

EP 1 142 566: This document is believed to be related to U.S. Patent Publication Nos. 2001/0041671; 2004/0106546 and U.S. Patent No. 6,677,304.

FR 1 400 366: This document is believed to be related to Great Britain Patent No. 1,021,400.

FR 1 492 597: This document is believed to be related to U.S. Patent No. 3,472,840.

FR 1 583 363: This document is believed to be related to U.S. Patent No. 3,632,559.

FR 2 077 143: This document is believed to be related to U.S. Patent No. 3,910,862.

FR 2 080 759: This document is believed to be related to U.S. Patent No. 3,912,808.

FR 2 137 684: This document is believed to be related to U.S. Patent No. 3,879,376.

FR 2 162 025: This document is believed to be related to U.S. Patent No. 3,917,817.

FR 2 190 406: This document is believed to be related to Great Britain Patent No. 1 394 353.

FR 2 252 840: This document is believed to be related to U.S. Patent Nos. 4,172,887; 4,189,468; 4,277,581.

FR 2 270 846: This document is believed to be related to U.S. Patent Nos. 4,217,914; 4,948,579; 5,196,189.

FR 2 280 361: This document is believed to be related to U.S. Patent No. 4,013,787.

FR 2 316 271: This document is believed to be related to U.S. Patent No. 4,381,919.

FR 2 320 330: This document is believed to be related to U.S. Patent Nos. 4,075,136; 4,166,894.

FR 2 368 508: This document is believed to be related to U.S. Patent Nos. 4,189,468; 4,277,581.

FR 2 383 660: This document is believed to be related to U.S. Patent No. 4,240,450.

FR 2 393 573: This document is believed to be related to U.S. Patent Nos. 4,165,367; 4,223,009.

FR 2 402 446: This document is believed to be related to U.S. Patent No. 4,357,141.

FR 2 413 907: This document is believed to be related to U.S. Patent No. 4,349,532.

FR 2 470 596: This document is believed to be related to U.S. Patent Nos. 4,839,166; 4,996,059.

FR 2 505 348: This document is believed to be related to U.S. Patent No. 4,761,273.

FR 2 519 863: This document is believed to be related to U.S. Patent No. 5,089,252.

FR 2 542 997: This document is believed to be related to U.S. Patent No. 4,591,610.

FR 2 598 611: This document is believed to be related to U.S. Patent No. 4,839,166.

FR 2 733 749: This document is believed to be related to U.S. Patent Nos. 6,099,592; 6,338,741; 6,645,258 and U.S. Patent Publications No. 2002/0050013; 2003/0019051.

FRENCH PATENT APPLN. NO. 00 09609: This document is mentioned in the specification on page 24 and is now French Patent No. 2 811 993. It is believed to be related to U.S. Patent Publication Nos. 2003/0124079 and 2004/0141943.

WO 94/08970: This document is believed to be related to U.S. Patent No. 5,534,267.

WO 95/08969: This document is believed to be related to U.S. Patent No. 5,663,366.

WO 96/15765: This document is believed to be related to U.S. Patent No. 6,284,003.

WO 01/68043: This document is believed to be related to U.S. Patent Application Publication No. 2003/0093866.

WO 02/38115 A1: This document is believed to be related to U.S. Patent Application Publication No. 2004/0019981.

WO 02/45651 A2: This document is believed to be related to U.S. Patent Application Publication No. 2004/0049861.

EP 0 080 976: An English language abstract of this foreign language document can be found on the title page of this document.

EP 0 884 344: An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

FR 2 336 434: An English language abstract of this foreign language document can be found on the title page of this document.

JP 09010659: An English language abstract of this foreign language document can be found on the title page of this document.

Applicants have enclosed a copy of the priority application's French Search Report, European Patent Office Search Report and International Search reports for the Examiner's consideration.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

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documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

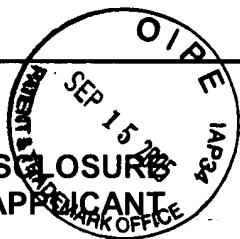
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Mark D. Sweet
Reg. No. 41,469

Date: September 15, 2005


**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet	1	of	5	Attorney Docket Number	06028.0036-00000
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Complete if Known

Application Number	10/728,888
Filing Date	December 8, 2003
First Named Inventor	COTTARD
Art Unit	Unassigned
Examiner Name	Unassigned

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		2,261,002	10-28-1941	Ritter	
		2,271,378	01-27-1942	Searle	
		2,273,780	02-17-1942	Dittmar	
		2,375,853	05-15-1945	Kirby et al.	
		2,388,614	11-06-1945	Kirby et al.	
		2,454,547	11-23-1948	Bock et al.	
		2,528,378	10-31-1950	Mannheimer	
		2,781,354	02-12-1957	Mannheimer	
		2,961,347	11-22-1960	Floyd	
		3,206,462	09-14-1965	McCarty	
		3,227,615	01-04-1966	Korden	
		3,472,840	10-14-1969	Stone et al.	
		3,632,559	01-4-1972	Matter et al.	
		3,836,537	09-17-1974	Boerwinkle et al.	
		3,874,870	04-1-1975	Green et al.	
		3,879,376	04-22-1975	Vanlerberghe et al.	
		3,910,862	10-07-1975	Barabas et al.	
		3,912,808	10-14-1975	Sokol	
		3,915,921	10-28-1975	Schlatzer	
		3,917,817	11-04-1975	Vanlerberghe et al.	
		3,929,990	12-30-1975	Green et al.	
		3,966,904	06-29-1976	Green et al.	
		4,001,432	01-04-1977	Green et al.	
		4,005,193	01-25-1977	Green et al.	
		4,013,787	03-22-1977	Varlerberghe et al.	
		4,025,617	05-24-1977	Green et al.	
		4,025,627	05-24-1977	Green et al.	
		4,025,653	05-24-1977	Green et al.	
		4,026,945	05-31-1977	Green et al.	
		4,027,020	05-31-1977	Green et al.	
		4,031,307	06-21-1977	DeMartino et al.	
Examiner Signature				Date Considered	

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Examiner Name	Unassigned

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ³	Document Number Number-Kind Code ⁴ (if known)	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		4,075,136	02-21-1978	Schaper	
		4,131,576	12-26-1978	Iovine et al.	
		4,157,388	06-05-1979	Christiansen	
		4,165,367	08-21-1979	Chakrabarti	
		4,166,894	09-04-1979	Schaper	
		4,172,887	10-30-1979	Vanlerberghe et al.	
		Re. 30,199	01-29-1980	Rose et al.	
		4,189,468	02-19-1980	Vanlerberghe et al.	
		4,217,914	08-19-1980	Jacquet et al.	
		4,223,009	09-16-1980	Chakrabarti	
		4,240,450	12-23-1980	Grollier et al.	
		4,277,581	07-07-1981	Vanlerberghe et al.	
		4,349,532	09-14-1982	Vanlerberghe et al.	
		4,357,141	11-02-1982	Grollier et al.	
		4,381,919	05-03-1983	Jacquet et al.	
		4,390,689	06-28-1983	Jacquet et al.	
		4,509,949	04-09-1985	Huang et al.	
		4,591,610	05-27-1986	Grollier	
		4,702,906	10-27-1987	Jacquet et al.	
		4,719,282	01-12-1988	Nadolsky et al.	
		4,761,273	08-02-1988	Grollier et al.	
		4,839,166	06-13-1989	Grollier et al.	
		4,948,579	08-14-1990	Jacquet et al.	
		4,996,059	02-26-1991	Grollier et al.	
		5,061,289	10-29-1991	Clausen et al.	
		5,089,252	02-18-1992	Grollier et al.	
		5,196,189	03-23-1993	Jacquet et al.	
		5,380,340	01-10-1995	Neunhoeffer et al.	
		5,478,562	12-26-1995	Cauwet et al.	
		5,534,036	07-09-1996	Junino et al.	
		5,534,267	07-09-1996	Neunhoeffer et al.	
		5,663,366	09-02-1997	Neunhoeffer et al.	
Examiner Signature			Date Considered		

Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/728,888
Sheet	3	of	5	Filing Date	December 8, 2003
				First Named Inventor	COTTARD
				Art Unit	Unassigned
				Examiner Name	Unassigned
				Attorney Docket Number	06028.0036-00000

Examiner Initials	Cite No. ⁵	Document Number Number-Kind Code ⁶ (if known)	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		5,766,576	06-16-1998	Löwe et al.	
		5,807,957	09-15-1998	Samour et al.	
		5,876,463	03-02-1999	Garcia et al.	
		6,099,592	08-08-2000	Vidal et al.	
		6,284,003	09-04-2001	Rose et al.	
		6,287,578	09-11-2001	Duetsch et al.	
		2001/0023515 A1	09-27-2001	Cottard et al.	
		2001/0041671 A1	11-15-2001	Napoli	
		6,338,741	01-15-2002	Vidal et al.	
		2002/0050013	05-02-2002	Vidal et al.	
		6,436,151	08-20-2002	Cottard et al.	
		2002/0119171 A1	08-29-2002	Gruning et al.	
		2003/0093866	05-22-2003	Vidal et al.	
		6,645,258	11-11-2003	Vidal et al.	
		2003/0019051	01-30-2003	Vidal et al.	
		2003/0124079	07-03-2003	Mougin et al.	
		6,677,304	01-13-2004	DiNapoli	
		2004/0019981 A1	02-05-2004	Cottard et al.	
		2004/0049861 A1	03-18-2004	Cottard et al.	
		2004/0106546	06-03-2004	Napoli	
		2004/0141943	07-22-2004	Mougin et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ¹⁰
		Country Code ⁷ Number ⁸ Kind Code ⁹ (if known)				
		DE 23 59 399	06-12-1975	Rose et al.		
		DE 38 43 892 A1	06-28-1990	Clausen et al.		
		DE 41 33 957 A1	04-15-1993	Neunhoeffer et al.		
		DE 195 43 988	05-28-1997	Lowe et al.		
		EP 0 080 976	06-08-1983	Moldovanyi et al.		Abstract
		EP 0 122 324	10-24-1984	Desai		
		EP 0 173 109	03-05-1986	Shay et al.		
Examiner Signature				Date Considered		

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		Country Code ¹¹ Number ¹² Kind Code ¹³ (if known)				
		EP 0 216 479	02-13-1991	Farrar et al.		
		EP 0 337 354 A1	10-18-1989	Kamegai et al.		
		EP 0 591 059 A1	04-06-1994	Junino et al.		
		EP 0 767 191 A2	04-09-1997	Harada et al.		
		EP 0 824 914 A1	02-25-1998	Cardinali et al.		
		EP 0 825 200 A1	02-25-1998	Barron et al.		
		EP 0 884 344 A2	12-16-1998	Grüning et al.		Abstract
		EP 0 959 090 A1	11-24-1999	Grüning et al.		
		EP 0 959 091 A1	11-24-1999	Grüning et al.		
		EP 0 959 094 A1	11-24-1999	Grüning et al.		
		EP 1 142 555	10-10-2001	Cottard et al.		
		EP 1 142 566 A1	10-10-2001	Di Napoli		
		FR 1 400 366	05-28-1965	Rouet		
		FR 1 492 597	08-18-1967	Stone et al.		
		FR 1 583 363	10-24-1969	Matter et al.		
		FR 2 077 143	10-15-1971	Barabas et al.		
		FR 2 080 759	11-19-1971	Sokol		
		FR 2 137 684	12-29-1972	Vanlerberghe et al.		
		FR 2 162 025	07-13-1973	Vanlerberghe et al.		
		FR 2 190 406	02-01-1974	Sokol		
		FR 2 252 840	06-27-1975	Vanlerberghe et al.		
		FR 2 270 846	12-12-1975	Jacquet et al.		
		FR 2 280 361	02-27-1976	Vanlerberghe et al.		
		FR 2 316 271	01-28-1977	Jacquet et al.		
		FR 2 320 330	03-04-1977	Shaper		
		FR 2 336 434	07-22-1977	Ciba Geigy AG		Abstract
		FR 2 368 508	05-19-1978	Vanlerberghe et al.		
		FR 2 383 660	10-13-1978	Grollier et al.		
		FR 2 393 573	01-05-1979	Chakrabarti		
		FR 2 402 446	04-06-1979	Grollier et al.		
		FR 2 413 907	08-03-1979	Vanlerberghe et al.		
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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/728,888
Sheet	5	of	5	Filing Date	December 8, 2003
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				Art Unit	Unassigned
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FOREIGN PATENT DOCUMENTS					
Examiner Initials'	Cite No. ¹	Foreign Patent Document Country Code ¹⁵ Number ¹⁶ Kind Code ¹⁷ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear Translation ¹⁸
		FR 2 470 596	06-12-1981	Grollier et al.	
		FR 2 505 348	11-12-1982	Grollier et al.	
		FR 2 519 863	07-22-1983	Grollier et al.	
		FR 2 542 997	09-28-1984	Grollier	
		FR 2 598 611	11-20-1987	Grollier et al.	
		FR 2 733 749	11-08-1996	Vidal et al.	
		FR 2 811 993	01-25-2002	Mougin et al.	
		GB 1 021 400	03-02-1966	Rouet	
		GB 1 026 978	04-20-1966	Schwarzopf Verwaltung GMBH	
		GB 1 153 196	05-29-1696		
		GB 1 394 353	05-14-1975	Gillette Co.	
		JP 09010659 A	01-14-1997	Kobayashi et al.	Abstract
		WO 94/08969	04-28-1994	Neunhoeffer et al.	
		WO 94/08970	04-28-1994	Neunhoeffer et al.	
		WO 96/15765	05-30-1996	Rose et al.	
		WO 97/24105	07-10-1997	Dias et al.	
		WO 97/24106	07-10-1997	Dias et al.	
		WO 97/24107	07-10-1997	Dias et al.	
		WO 98/27941	07-02-1998	Dias et al.	
		WO 98/44012	10-08-1998	Melby et al.	
		WO 99/36047 A2	07-22-1999	Casperson et al.	
		WO 01/68043 A3	09-20-2001	Terranova et al.	
		WO 02/38115 A1	05-16-2002	Cottard et al.	
		WO 02/45651 A2	06-13-2002	Cottard et al.	
Examiner Initials'	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			Translation ⁶
		M.R. PORTER, "Handbook of Surfactants," published by Blackie & Son, 1991, pp. 116-178.			
		G. FONNUM, et al. "Associative Thickeners, Part I: Synthesis, rheology and aggregation behavior," Collid Plymn. Sci. 271 pp. 380-389 (1993).			
		French Search Report dated August 26, 2003.			
		European Patent Office Search Report dated May 24, 2004.			
		International Search Report dated May 20, 1999.			
		International Search Report dated March 26, 2002.			
Examiner Signature			Date Considered		